

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

BENJAMIN PHILLIPS,

Plaintiff(s),

vs.

COMMISSIONER OF SOCIAL SECURITY,

Defendant(s).

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Case Number: 1:08cv333

Chief Judge Susan J. Dlott

ORDER

The Court has reviewed the Report and Recommendation of United States Magistrate Judge Timothy S. Black filed on July 14, 2009 (Doc. 15), to whom this case was referred pursuant to 28 U.S.C. §636(b), and noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b) expired August 4, 2009, hereby ADOPTS said Report and Recommendation.

Accordingly, the decision of the Commissioner, that Plaintiff is not entitled to a period of disability and disability income benefits beginning on November 11, 2004, is found **NOT SUPPORTED BY SUBSTANTIAL EVIDENCE, AND IS REVERSED.** This matter is **REMANDED** to the ALJ for an immediate award of benefits; and, as no further matters remain pending for the Court's review, this case is **CLOSED.**

**IT IS SO ORDERED.**

—  
s/Susan J. Dlott  
Chief Judge Susan J. Dlott  
United States District Court